

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

April 1, 2003

Chairman Gary Daves called the Meeting to order at 9:05 A.M.

PRESENT	ABSENT
Gary Daves, Chairman	
	Paul Edward Trujillo, Vice-Chairman
Aurelio H. Padilla, Member	
Alicia Aguilar, Member	
Mary J. Andersen, Member	
	James Fernandez, County Manager
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the Meeting to order at 9:05 A.M. Tina Gallegos, County Clerk read the agenda for the executive session of April 1, 2003. Ms. Anaya said in executive session she will be discussing New Hires, End of Temporary Employment, and Status Changes. Commissioner Andersen said, pertaining to the Business Manager, the job description provided In the Commissioner's packets is the one that the County had provided and the one that she had asked for the opportunity to look at and redo. Commissioner Andersen said she had provided a copy of some suggestions that she had for the duties of that job but they did not get into the Commissioner's packets so she would like to postpone this discussion until she can provide to the Commission with her suggestions. Commissioner Andersen said maybe we could have a workshop or a meeting to discuss the duties before we take any action on hiring a Business Manager. Chairman Daves said he would ask our attorney, Mr. Garde, the propriety of discussing or not discussing the job description and where should that be done by this Commission. Mr. Garde said that should be done in open session.

Commissioner Aguilar said it is her understanding that the position specifications that are provided through the Personnel Office are part of the record and a public document if anyone were interested in applying for this position. So the process to make any changes would have to come from Personnel on rules and procedures type manner so that in all due respect to Commissioner Andersen the information should go to Ms. Anaya and then it filters on to the Commissioners. We can't just make changes in an open meeting without going through the process first. Commissioner Andersen said she wasn't suggesting they make any changes to anything but this Commission needs to discuss the duties that we want that person to have and then with Ms. Anaya in attendance and when we find a consensus we can make certain that the job description meets that consensus. Commissioner Andersen said it is a very important position and it is extremely important to the health of this County for now and in the future and we have to be very careful about the person we hire and the duties we expect that person to perform.

Commissioner Aguilar said she is not disagreeing with Commissioner Andersen but we need to be careful with the process and if there are some changes and it is the consensus of the Commission then she wholeheartedly supports an open discussion on this. Commissioner Aguilar said she had heard about some changes being done to this and it gets on the agenda and this is what is given to us and nothing else and that is part of the problem. If you have some recommendations just like any of the other Commissioners it should be given to Ms. Anaya at which time she can put them together and then we can discuss the position as a whole. Chairman Daves said there was no idea of doing anything other than going through the appropriate process. Chairman Daves said if we could still get any suggestions from any other Commissioners to give them to Ms. Anaya. Commissioner Andersen said she apologizes to Commissioner Aguilar if she thinks she is trying to do anything else because she didn't understand the process and is still on a learning curfew because she wants the Commission and Ms. Anaya to look at the duties and make certain that what we do is what this County needs.

Commissioner Padilla wanted to comment and said he agrees with Commissioner Aguilar and 'Chairman Daves that we have to make Ms. Anaya aware of any changes in the job description because this is an important position that this Commission has to make a decision on.

Chairman Daves said Commissioner Andersen can take the lead on this or any other Commissioner can meet with staff and some at point come to the Commission for approval of any changes.

Commissioner Aguilar said that is what she has a problem with in a sense that Commissioner Andersen has made recommendations to the change of the position of Business Manager, Chairman

Daves has a copy, she has a copy, and the rest of the Commissioners should have an opportunity to review it and no one Commissioner should be assigned to take the lead to meet with staff, Ms. Anaya is qualified and knows how to put this together. Commissioner Aguilar said Ms. Anaya can bring us a draft for review and at that that time all the Commissioners can discuss this.

Chairman Daves said to Commissioner Aguilar that Commissioner Andersen has copies and intends to give them to us right now for review and he invited her to take the lead with staff and will invite any other Commissioners to take as much lead as they wish. There is no suggestion that any Commissioner has any authority over and above any other Commissioner with regard to this issue and that is not what has been said and is not what has been intended in any discussion even before this. Chairman Daves said we will continue and delete this item (Business Manager) from the Executive Session and that is his mistake.

Executive Session

Commissioner Padilla made a motion to enter into executive session. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Chairman Daves called the meeting to order. Commissioner Aguilar made a motion to enter into Regular Session. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Carol Anaya, Human Resources Manager reported the following was discussed in executive session. New Hires Pending Pre-Employment/Physical Drug Test for Laura Marquez, County Clerk's Office/Bureau of Elections, Temporary Employment for Johnny Palz and Jean Ridley, Assessor's Office, Status change from Probationary to Non-Probationary Status for Aaron Jones and Albert Saiz, Sheriffs Security, Euthanasia By Injection Certificates were presented by the American Humane Association for, John Jaramillo and James White, Certificate United States Air Force Research Laboratory Homeland Security Technology Office Terrorism for First Responders, Law Enforcement for Simon Martinez.

Tom Garde, County Attorney reported the following was discussed in executive session. The lawsuit involving the person injured at the Conejo Landfill. No action was taken on this. The current litigation Involving the Environmental Department, there is a meeting scheduled for Thursday, April 3, 2003 with Terracon with regards to removing the debris from the Conejo Transfer Station. The decision of Judge Sanchez concerning the People's Energy application and Mr. Garde advised this Commission that People's Energy intends to appeal that decision. No further action was taken by the Commission.

Commissioner Aguilar made a motion to accept these reports as presented. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Chairman Daves asked Monica Mireles to lead the Pledge of Allegiance.

Approval of Agenda

Ms. Gallegos read the agenda for the Regular Session Meeting of April 1, 2003. Commissioner Padilla made a motion to approve the agenda as read. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Approval of Minutes

February 24, 2003 - Solid Waste Workshop March 4, 2003 - Regular Meeting

Commissioner Aguilar made a motion to approve the minutes as presented above. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Public Requests

Clara Rehr
David Martinez
Patricia Martinez
Commissioner Aguilar and Commissioner Padilla
Dody Hoffman
Sessa Huerta

Clara Rehr from San Clemente said she would like to see the Commissioners names put on the agenda so she will know who is who in each District.

David Martinez said his concern was on the closure of his road, he doesn't know if it was Rio Communities or Valley Improvement that closed it but this is very dangerous due to the location. Mr. Martinez said he was also concerned as to who would be responsible if an accident were to occur? He has contacted the County Manager and has not heard a response back.

Chairman Daves said he and staff would get together to better understand Mr. Martinez's concern.

Commissioner Aguilar said this road was In her District and she would like to be better Informed and will be following up on this.

Patricia Martinez said her concern was again electricity - she has been at her place now for five years and electricity would be nice.

Chairman Daves said staff would try to get to her concern.

Commissioner Aguilar asked Mr. Chavez if this concern had been resolved. Mr. Chavez said this Commission had done a zone change and Ms. Martinez needs to go through the application process.

Chairman Daves since this is Public Requests we shouldn't get into any discussion but we need to follow up on this concern.

Commissioner Aguilar and Commissioner Padilla said there was some tragic news delivered to a family in Belen and this was the loss of their daughter, Tamara Long-Archuleta who served in the War in Iraq. Our thoughts and prayers go out to Mr. and Mrs. Long and their family. Commissioner Aguilar asked for a moment of silence to remember Tamara. Commissioner Padilla said also in this moment of silence let's remember our troops because they need our support.

Chairman Daves said thank you to Commissioner Aguilar and Commissioner Padilla and we do need to remember and appreciate our troops serving in the military.

Commissioner Aguilar said we have several others here in Valencia County that are serving in the Middle East and she feels strongly that regardless of what position you take on the war, we need to support our military because they are there on orders and need our prayers.

Dody Hoffman said she usually comes to these meetings with issues to discuss to where she is asking questions that are probing. But today she decided to do something different because she has good news for this Commission. She is with Valencia Soil and Water Conservation District and recently in the newspaper there was an article on the Whitfield Farms. The Whitfield Farms are approximately 100 acres on the East side of the Rio Grande, a mile north of the Rio Grande Bridge in Belen, this land for the last 15 years has been slated to be developed and as conservationists we want to keep Valencia County green. That is what is going to happen to this 100 acres with the stipulation that it is used for a wildlife habitat or it will be turned over to the New Mexico Game and Fish. We envision a wildlife habitat where people can view the migrant waterfowl. The conservation district is excited about the project.

Sessa Huerta said he lives in Rio Del Oro community and as we know Valencia County Is growing but he his concern is that maybe we can get a Commissioner to represent Rio Del Oro to help out with the growth. Mr. Huerta said even though the taxes are paid on time the representation is very little.

Commissioner Aguilar said as a matter of information Rio Del Oro is in her District and also runs in Commissioner Padilla's District. Commissioner Aguilar said she is not sure where Mr. Huerta lives because Rio Del Oro runs from Tome Hill all the way to Rio Communities. Mr. Huerta said he lives in Las Maravillas. Commissioner Padilla said this is his District and both he and Commissioner Aguilar are willing to listen to their concerns. Commissioner Aguilar said if they ever have community meetings please feel free to invite both her and Commissioner Padilla to listen to their concerns. Mr. Huerta said his second question is what about a bridge?

Commissioner Andersen said as a matter of information a bridge is a state project and it is not on their horizon.

ACTION ITEMS:

GENERAL REQUEST:

Updated Abatement Plan - Conejo Transfer Station-Terracon - Wayne Jeffs

Wayne Jeffs from Terracon Consultants said they have been contracted with the County to provide assessment and oversight with regard to the Conejo Convenient Center where there is historical disposal of unauthorized solid waste that is buried out there. We have been working with the County and the New Mexico Environment Department and have conducted 24 samplings of the area that needs to be excavated and we are estimating that 4,000 to 6,000 cubic yards will need to be removed. Mr. Jeffs said they have a general idea of how deep the unauthorized landfill is, but it may be more or less once we begin removing it. Mr. Jeffs said we are assuming the items dumped there

is residential trash and will have to conduct field tests on the surface dirt and that which we extract to determine if it is hazardous. The extraction of the area is one and a half to two acres and will begin the week of April 14. Mr. Jeffs said once the dumped items are removed the area will be filled in and natural vegetation will be planted and will take approximately 10 to 25 days depending on what we find. The County was required by law to hire a third party to administer the abatement but did have the option to do the excavation under the third party's supervision. The County decided to contract the project to Jordan Engineering. Chairman Daves recognized James Jordan in the audience and asked if he had anything to add. Mr. Jordan said we will remove the solid waste and dispose of it at the Rio Rancho landfill. Mr. Jeffs said Terracon, approved by the County, will provide on site, environmental oversight services to monitor the excavation and haul activities in accordance to the approved abatement plan.

Funding Sources-Closure of Old Landfill - Alicia Aguilar

Commissioner Aguilar said Senator Michael Sanchez has returned from the Legislative Session and mentioned that after spending 60 days in Santa Fe he became familiar with the funding that is available through the Legislative Finance Co. Commissioner Aguilar said two years ago when she and Commissioner Padilla were involved and also the County Manager with regards to the landfill closure, they had tried to receive monies from the State. Commissioner Aguilar said we learned that someone has to actually be there and meet with members of the Legislative Finance Committee and discuss and request funds through them. These are reserve funds that the State has available for emergencies or special projects that the Legislative Finance Committee has the authority to provide these grants. Commissioner Aguilar said her and Commissioner Padilla will be proceeding along with Senator Sanchez to meet with the Legislative members and discuss the Counties needs to see if we can get monies for the closure of the landfill. We are not sure this can be successful but at least it is an avenue that is available and hopefully we can run with it and see what we can do.

Chairman Daves said this is monies that is administered by a legislative committee and appreciates Commissioner Aguilar's leadership and moving forward on this project. And also appreciates Senator Sanchez as well as Commissioner Padilla for being involved for the good of this County.

Commissioner Padilla said for the last couple of years he has attempted to go through Congressman Bingaman's office in Albuquerque pertaining to the landfill closure short of funding so we do have someone willing to help.

Planning &Zoning:

FACTS AND FINDING:

Findings & Conclusion-Zone Change OD to WCF - Ruben Chavez/Tom Garde

Suwanne A/K/A Highland Meadows along Rail Road Property Hwy 6 Dalles Road A/K/A Dalies Townsite

Mr. Garde said there are two separate findings and conclusion with regards to the towers that are proposed by Burlington Northern and Santa Fe Railroad. The first one is the Suwanne site and together with Planning and Zoning, Burlington Northern has followed through with the application process. The applicant has complied with all the requirements set out in the county ordinance. Mr. Garde said the applicant has provided assurance of NEPA compliance. Both the Laguna Pueblo and Highland Meadows community support the installation of the microwave cell towers.

The second one is the Dalies Townsite and again together with Planning and Zoning, Burlington Northern Railroad has followed through with the application process. They have complied with all the requirements set out in the County ordinance. Mr. Garde said Laguna Pueblo and Highland Meadows community support the installation of the microwave cell towers and again the applicant has provided assurance of being in compliance with NEPA.

Chairman Daves said the Commission has approved these applications and this is the formalization through the adoption of findings and facts and conclusions of law that appeal to those decisions by this Commission.

Commissioner Andersen made a motion for approval on the facts and findings for both Suwanne and Dalies Road. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Request to Amend the Master Plan at Rio Del Oro - Ruben Chavez/John & Nie-Nei Freeman

Unit 54, Tract B-1

Request to Amend the Master Plan at Rio Del Oro - Ruben Chavez/Leroy Aragon

Unit 54, Tract A-1, A-2, B-2

Mr. Chavez said a few months ago we received the application from Mr. And Ms. Freeman requesting to place a residence on the piece of property on Unit 54 of Rio Del Oro subdivision. Mr. Chavez said after reviewing the application it was denied based on the master plan approval for Unit 54. Commissioner Aguilar asked if the Freeman's were in attendance. Mr. Chavez said at this time Mr. and Ms. Freeman were not present but were aware they were on today's agenda. Chairman Daves said to Mr. Chavez to proceed because these two requests are similar and will give the Commission some background and history on what decision they will have to make. Commissioner Andersen asked Mr. Chavez what roads are these? Mr. Chavez said Rio Del Oro and Manzano

Expressway right on the intersection. Mr. Chavez gave a background on the Rio Del Oro property with the involvement of Valley Improvement Association and Horizon Corp. This request is for the purpose of changing open space to residential. Commissioner Aguilar said she had concerns in approving this and part of it is that we are dealing with Unit 54, but each Unit has probably 600 or more lot owners. When this property was sold it was represented as a Unit to these individuals, whether they live here or not are looking at an area that says this is going to be a park in the future. The County accepted this master plan that Horizon did and as such we accepted where the streets were going to be and the uses. We recognized that and in addition to that we have used these Master Plans to call it planned development for our zoning ordinance and even part of the draft of our Comprehensive Plan. Commissioner Aguilar said she doesn't believe we can just grant an approval for a zone change without directly looking at the subdivision act. The subdivision act says if there are any changes to any lot line increasing or decreasing or changing to a subdivision then it goes into the subdivision act and you are creating a replat. Commissioner Aguilar said each Unit has parks, schools and open space that was preserved as such. It concerns her to allow for us to think that it is just open space so we can just allow it be split into further residential to where it was identified for a specific area. This is a planned development and the comprehensive plan and our zoning is to preserve open space. Commissioner Aguilar said all these property owners in Unit 54 have not been notified. Commissioner Aguilar said she had a concern with this and doesn't know if it is a legal question that maybe our attorney can respond.

Chairman Daves said that is the question that he has asked a couple of times, what is before us and within that do we have the legal authority to grant the applications before us.

Mr. Garde said in our ordinance we can amend zone maps and with regards to the master plan and Commissioner Aguilar's remarks are correct because what we have here is in effect Valley Improvement is no longer involved and this property is not part of the covenants of VIA. This property is actually excluded from that whole plat.

Chairman Daves said the Commission has the authority to amend or change zoning based on applications before us and have criteria that makes sense and within that notice would be given to at least adjacent property owners and he's sure that is being done. Chairman Daves said there is no legal requirement based upon an expectation years back that every lot owners be notified. It is just simply the process we have allows amendment to the zone map and if we meet the requirements of our ordinance and due process and those various elements.

Commissioner Padilla called on George Koch in the audience, a Commissioner for Planning and Zoning his thoughts on this issue. Mr. Koch said we do have a problem in the east mesa as Commissioner Aguilar has touched on. Mr. Koch said to his recollection in 1980 there were a number of properties that were sold by Horizon [Corp. to](#) John Van Tress. These were areas that were not part of VIA but rather owned by Horizon Corp but were designated for open spaces and other uses. The Van Tress organization went into bankruptcy and these came back into the largest land sales in the world. Individuals bid on them and have legal transfer of title to these properties. We accepted the master plan in 1987. We have an individual who has gone through the process of getting a building permit and established a residence on this property and Planning and Zoning did approve this. Mr. Koch said Planning and Zoning had reservations on where do we go on these single large tracts of land as Commissioner Aguilar mentioned that were part of the original plat that are not part of the jurisdiction of VIA. Do we just allow random development? Random zoning? Random property use?

Commissioner Aguilar said she thinks it is important to state that Horizon Corp. developed or master planned all of this and it was their intent to have a community and a park in the future. It was Horizon Communities Improvement Association that was the assessment and is now Valley Improvement Association but the assessments are only on the property owners and they pay so you have open space there that they retain to develop but they weren't paying assessments on those. We have to give credit to Horizon Corp. and when they did this in 1960 it is one of the best master plans in the state. Each unit has the roads and schools and is master planned for that area. Commissioner Aguilar said for us to change it you have to look at the entire plat.

Mr. Koch said land planners out of California did the designs for Rio Del Oro. They also determined what would be needed for commercial, what would be needed for multiple-family, what would be need for city and community public facilities and what would be needed for schools and what would be needed for open space.

Chairman Daves said he would like to focus more on the item at hand and has a question for Mr. Koch. Planning and Zoning indicated that the residential applications were appropriate uses and this is why the vote passed.

Mr. Koch said we had several items in front of us and on one item was an existing permanently installed manufactured dwelling that had been approved by the State and the County. It had a well and septic, had clear title and now to find out they had that on a piece of property that is designated open space. Mr. Koch said his thoughts and he can only speak for himself were that to deny this would only open up litigation that maybe would be on going. This was residential in request and he

was in favor of changing the land use to residential. That particular piece of property in question has some extreme elevation changes in it and for that reason he was opposed to it for commercial use. Chairman Daves asked what kind of county approvals were involved in the building permit? Mr. Chavez said there are no approvals because we received an application. Chairman Daves said he thought Mr. Chavez had said there were county approvals. Mr. Koch said there is a manufactured home there which has been inspected and approved the New Mexico Manufactured Home Industry and they applied for an address and found out they needed a building permit.

Commissioner Padilla said the motion that was made at the Planning and Zoning meeting, there was discussion on the adoption of covenants and would Mr. Koch explain this. Mr. Koch said there were covenants on how these properties were designed.

Commissioner Aguilar said Is it possible to just address the one lot as residential for where the structure is being placed and the others have already been split but acknowledge that it is a part of the open space area?

Mr. Garde said there are two parcels before you, one is the Freeman parcel and the other is Aragon parcel.

Commissioner Aguilar said she was talking about the mobile home.

Commissioner Andersen said that doesn't answer Commissioner Aguilar's question and that is can we take that portion of where the house is and reclassify that so we can go on with the rest of it?

Mr. Garde said yes you can.

Chairman Daves said what land with the Freeman case is before us?

Mr. Garde said the application of the Freeman property and the request is to change open space to residential and this is Tract B-1.

Commissioner Andersen asked how big is this lot in question?

Mr. Chavez said it is 1.12 acres which is the platted recorded lot owned by the Freeman's.

Commissioner Aguilar said but we are dealing with A-1, A-2, B-2 so we are dealing with all and it may be part of the presentation with Mr. Aragon but even though it is two individuals making the request it has the same effect except for one of these lots does have a manufactured home. Commissioner Aguilar said the manufactured home is on B-1 we still have A-1, A-2 and B-2 if we were to give approval to B-1 can we not at the same time indicate that the other three lots, the restrictive covenants does not apply if as they want to propose four, the whole four, the others still remain as open space?

Commissioner Andersen said as she reads the agenda we have two separate items and B-1 is all by itself so we can approve and not approve the second one.

Chairman Daves said this is what he was trying to say with regard to the 1960's master plan but time passes and it leaves us with what is the appropriate use for that land.

Mr. Aragon stated as far as this land is concerned it was sold down the line and went through several hands but in good faith he purchased that land. Mr. Aragon said he subdivided it, brought it before the Commission to be approved and was able to sell it. He sold a lot to the Freeman's. Mr. Aragon said now they want to establish a nice place and he is the owner of the three other lots and he is requesting approval of the same thing with the covenants as the Freeman's. We just want to get approved for residential and that is it. Not one person in every sale came up and said it is for the schools and so forth and told us it was unrestricted with open land.

Commissioner Aguilar asked Mr. Aragon if he received title insurance on this property? Mr. Aragon said he did. Doesn't your title policy indicate that it is subject to all restrictions of plats on file? Mr. Aragon said he was not sure.

Commissioner Padilla said after listening to all this discussion leaves him to believe that we will have to approve B-1 being that it is already established there.

Commissioner Aguilar said she fully concurs with Commissioner Padilla and is ready to recommend approval of Tract B-1 to be allowed for the existing development but Tract A-1, A-2 and B-2 are to remain open space. Chairman Daves said we should limit the motion to just B-1, the first item. Commissioner Aguilar made the motion for approval of Tract B-1 and the restrictive covenants are only to apply to B-1. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Commissioner Aguilar said for the record she would like to state that Mr. and Mrs. Freeman were not present.

Chairman Daves said the second item was to amend the master plan at Rio Del Oro, Unit 54, Tract A-1, A-2, B-2. Commissioner Aguilar said after discussion and in the absence of Mr. and Mrs. Freeman she would make a motion that we deny approval A-1, A-2, and B-2 to be used for residential and be retained as open space. Seconded by Commissioner Padilla. Discussion. Commissioner Andersen said she was confused is this not Mr. Aragon that is present? He said yes. Chairman Daves said let's backup to discussion. Commissioner Andersen said we have talked about Mr. Freeman's property and she understands that but what is going on with these three pieces of property. Mr. Aragon said he wanted to get approval and sell them as residential lots. Commissioner Andersen said so you want this rezoned to R1 ? Mr. Aragon said yes, it is three separate lots, one-acre lots. Commissioner Andersen said she doesn't see a problem because we are not down to the green belt where we want to keep at R2 and doesn't see a reason to have to deny this one. Commissioner Aguilar said how many total acres are involved? Mr. Chavez said the triangle is a fifteen-acre parcel, five acres was sold to Mr. Aragon, Mr. Aragon split the property into four parcels each of 1.15 acres. Commissioner Aguilar said as far as even the balance of the acreage it is still open space. Chairman Daves said the motion is to deny the request to amend the master plan of Rio Del Oro by zoning these tracts A-1, A-2, and B-2 as residential. Chairman Daves called for the vote. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted no. Motion carried. 2-1.

**Public Hearing Amendments to Valencia County Comprehensive - Ruben Chavez/Tom Garde
Zoning Ordinance (Solid Waste)**

Mr. Chavez said this is the first public hearing on the amendment to the comprehensive zoning ordinance on the solid waste collection and disposal. We had permission to publish at the last Commission meeting and made copies for everyone and took in comments and incorporated those comments in the second addition. Copies are available on the web, at Planning and Zoning office, and at the county clerk's office. Mr. Chavez discussed the comments that will be incorporated into the solid waste ordinance. Chairman Daves said since this is a public hearing at this time we will open the floor.

Charles Apodaca, Reliable Waste said his concern as he has said before he does only commercial hauling for dumpsters. According to the ordinance, the county has asked him to comply with the \$2500 guarantee but in his situation there is no reason to ask for this. Mr. Apodaca said he doesn't get paid until he picks up that dumpster so the performance bond is difficult to comply with.

Mr. Chavez said he had discussed Mr. Apodaca's concern with Mr. Garde earlier and he is an exception because his collection is after the fact. But the other haulers also have commercial dumpsters while they might have residential units as well. Mr. Chavez said what we did with the \$2500 minimum goes for anyone.

Commissioner Aguilar said to Mr. Apodaca if your contract were to change to just commercial then the \$2500 wouldn't apply but if you ever wanted to do residential then you could come in and make application for that and the \$2500 would apply.

Mr. Garde said the purpose of this performance bond is to ensure compliance with our ordinance and this is a minimum amount that would compliance by all haulers.

Chairman Daves said this is the first public hearing and we have heard comments from the Commissioners and some of the haulers.

DEPARTMENT REQUESTS/REPORTS:

Board of Commissioners Convenes as Indigent Board

Indigent Report/Appeal - Barbara Baker

Amendment to Indigent Program

Board Re-Convenes as Valencia County Board of Commissioners

Commissioner Padilla made a motion to convene as the Indigent Board. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Barbara Baker stated she will start with her appeals first. Ms. Baker said the first indigent appeal is for Judy Beaseley and she has requested an appeal to her indigent denial of March 5, 2003. Ms. Baker said she has been on Social Security Disability for the past six years and receives \$668.00 per month. Mrs. Beaseley was employed but was laid off in January but due to her current health cannot work and therefore cannot collect unemployment. Ms. Baker recommended we pay Living Cross Ambulance of \$414.75 and Lovelace Medical Center of \$5000.00 for a total of \$5414.75. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Ms. Baker said the second indigent appeal is for Julie Toce and she has requested an appeal to her indigent denial letter of March 5, 2003. Ms. Toce has been unemployed. Ms. Baker recommended we pay Living Cross Ambulance of \$450.00. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Ms. Baker said the third indigent appeal is for Mr. Fernandez on behalf of inmate Rachael Page. Ms. Page was denied as we received the bill after the 90-day limit. Ms. Baker recommended we Pay Living Cross Ambulance of \$420.38. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Ms. Baker said the fourth and last indigent appeal is for Margaret Krassnitzer. Ms. Baker reported that Ms. Krassnitzer requested an appeal to her indigent denial of March 5, 2003. Ms. Baker stated that Mr. and Ms. Krassnitzer cash assets and income are well above the maximum allowed. Ms. Baker recommended denial of this appeal because Ms. Krassnitzer did decide to withdraw and was present but left

Ms. Baker presented the indigent claims from February 20, 2003 to March 18, 2003. The total amount of claims submitted was \$227,153.25 and Ms. Baker asked the Commission to approve \$62,154.70. There were 24 applicant denials and 77 claims submitted. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 30.

Ms. Baker presented an amendment to the Valencia County Indigent Hospital Claims Program 99-50. Ms. Baker reported that she has seen more applicants for this year and the purpose of this amendment is to decrease the amount paid to providers for the approved applicants due to the increase of applicants applying for Indigent Assistance. In just one year the increase of applicants is approximately 40%. This amendment would reduce the amount paid to hospitals and medical providers for an indigent patient and reduce the maximum amount paid to ambulance providers for an indigent patient and reduce the maximum number of ambulance transports for an indigent patient. Ms. Baker recommended approval and this would be in the form of a Resolution. Commissioner Padilla made a motion for approval of Resolution 2003-17. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar said she had a question and a little confused and this is for Mr. Garde and Ms. Baker. You are bringing this to the Commission for public hearing and final consideration so should we have not gone out for publication to make the public aware of changes prior to the approval? Mr. Garde said under State Statute this is how we are to proceed with a public hearing and if this Commission wishes another public hearing then you can do it that way. Commissioner Aguilar said the motion is for approval and not call it a public hearing and not have public discussion. Chairman Daves said to rectify that one we will ask if any member of the public have any comment or questions on this proposed Resolution. Commissioner Aguilar said that does not answer her question. Mr. Garde said on the agenda item there is an amendment to Indigent Program that is an action item and if it is decided today or next week either way would be appropriate but it is a Resolution. Commissioner Andersen said she thinks the question is whether a public hearing is required? Mr. Garde said yes it is. Commissioner Andersen said so in this case we can't vote on this and will withdraw her second. Commissioner Padilla withdrew his motion. Chairman Daves said this will go out for publication on this and proceed accordingly and Resolution 2003-17 was not used.

Commissioner Aguilar made a motion to reconvene as Board of County Commissioners. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Approval for Resolution-Participation CAP, Co-Op, School Bus Routes 2003-2004 - Helen Cole/Tom Garde

Mr. Garde said at the last meeting this Resolution was brought before the Board and Commissioner Aguilar raised the issue of it not being on the agenda and of the emergency of the matter the Resolution needed to be sent to Santa Fe. This is an action item and needs approval with regards to the approved Resolution sent to Santa Fe and this would ratify discussion that occurred at the last meeting. Commissioner Padilla made a motion for approval of **Resolution 2003-17**. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar said what would this number be because a Resolution was already granted at the last meeting. Mr. Garde said this new Resolution will be submitted to Santa Fe and would supercede the old one. Commissioner Aguilar voted no. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 2-1.

Law Enforcement Protection Fund Information - Richard Perea Grant Application For Public Record

Gary Hall on behalf of Sheriff Richard Perea stated we get funds every year for the Law Enforcement Protection Fund. The purpose of the Law Enforcement Protection Fund is to provide the equitable distribution of funds to municipal police, university police, county sheriff and tribal police departments for use in maintaining and improving those departments in order to enhance the efficiency and

effectiveness of law enforcement services. Written notification of the amount of distribution will be sent to applicants by May 31, 2003. Mr. Hall said we must complete and include a listing of certified officers. Commissioner Aguilar asked how many non-certified officers are coming up now the first year? Mr. Hall said we have three officers and they are currently attending the academy starting in June and will be certified by October. Mr. Hall recommended approval of this grant application. Commissioner Padilla made a motion to approve this recommendation. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Request Approval for In-State Travel E-911 Conference/Training - John Cherry

Farmington, NM - April 9 - April 11, 2003

Socorro, NM - May 4 - May 23, 2003

Mr. Cherry requested approval for in state travel for the E-911 Conference/Training in Farmington during April 9th thru April 11th. Mr. Cherry said he will be attending. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Mr. Cherry requested approval to travel to the Fire Academy in Socorro for training May 4-23, 2003. Mr. Cherry said we will be sending six members for the Firefighter I class. They will stay in Socorro Sunday thru Thursday for a three-week period. Mr. Cherry said this will enable the students to use their evenings for homework and study instead of traveling back and forth from Belen to Meadowlake. Mr. Cherry said this will be paid from the State Fire Funds and a purchase requisition form has been submitted to the Fire Marshal's Office for approval. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

FINANCIAL/BUSINESS MATTERS:

Approval of Payroll & Warrants - James Fernandez

Monica Mireles on behalf of Mr. Fernandez presented the computer print out cash balance of \$1,956,547.91.

Ms. Mireles on behalf of Mr. Fernandez presented the computer print out list of all the checks issued by the Manager's Office on March 21, 2003 covering payroll process on that date. Payroll check #56880 thru Payroll check #57047 inclusive. Deduction Check #71990 thru Deduction Check #72022 inclusive for a listing total of \$180,276.37 and of that amount \$113,256.46 is from the General Fund. Commissioner Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Ms. Mireles on behalf of Mr. Fernandez presented the computer print out list of all the checks issued by the Manager's Office on March 27, 2003 covering vendor bills processed on that date. Check #72023 thru Check #72107 inclusive for the listing total of \$88,566.43 and of that amount \$21,128.21 is from the General Fund. Commissioner Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

MANAGER'S REPORT:

Manager's Report - James Fernandez

Jail Monitor's - Informational

Ms. Mireles on behalf of Mr. Fernandez reported for the period of March 14, 2003 to March 27, 2003 the average prisoner count was 153 and of that amount 127 were males and 26 were females.

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 15, 2003 at 5:00 PM Executive Session and 6:00 PM Regular Session in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Andersen made a motion for adjournment. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Time being 1:15 PM.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>
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VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
GARY DAVES, CHAIRMAN**

**ss/
PAUL EDWARD TRUJILLO, VICE-CHAIRMAN**

**ss/
AURELIO H. PADILLA, MEMBER**

**ss/
ALICIA AGUILAR, MEMBER**

**ss/
MARY J. ANDERSEN, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: April 15, 2003